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January 10, 2023

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

BY ECF & EMAIL

Re: United States v. Tomer Osovitzki
19 Cr. 794 (KPF)

Dear Judge Failla:

Defendant Tomer Osovitzki (“Osovitzki”) respectfully requests that the Judgment (Doc. 129) filed on January 6, 2023, be amended on page 2 as follows:

The Court recommends that the Defendant be designated to the FCI Otisville Satellite Prison Camp, or, if there is no space available in that facility, then to FCI Miami Satellite Prison Camp. The Court also recommends that Defendant be placed into the designated facility’s ~~RDAP or similar~~ substance abuse treatment program.

Osovitzki makes this request because he is concerned that the Judgment, as it is currently written, could lead the Bureau of Prisons to designate Osovitzki to a facility other than the FCI Otisville Satellite Prison Camp (“Otisville”)—Osovitzki’s preferred designation—because Otisville, though it has various drug education and treatments programs, does not have an RDAP or any similar residential program.

We apologize for not clearly articulating this at sentencing and very much appreciate the Court’s consideration of this request.

Very truly yours,

Honorable Katherine Polk Failla
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cc: AUSA Jeffrey Coffman (by ECF)
AUSA Micah Fergenson (by ECF)

Application GRANTED. Understanding that the Government consents to Defendant's request, the Court adopts the proposed edit set forth above, and recommends that Defendant be placed into the designated facility's substance abuse treatment program.

Defense counsel is directed to serve the U.S. Marshals Service with this Order.

The Clerk of Court is directed to terminate the pending motion at docket number 130.

Dated: January 10, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE